

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 05-147E
)	
UNITED STATES OF AMERICA,)	CHIEF MAGISTRATE JUDGE BAXTER
)	
Defendant.)	ELECTRONICALLY FILED

DEFENDANT'S MOTION FOR CONTINUANCE OF SETTLEMENT
CONFERENCE SCHEDULED FOR AUGUST 19, 2008

AND NOW, comes Defendant, the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant United States Attorney for said district, and respectfully moves the Court for a continuance of one (1) week of the Settlement Conference in this case currently scheduled for Tuesday, August 19, 2008, at 9:00 a.m. In support of this Motion, the United States avers as follows:

1. On July 7, 2008, this Court held a Settlement Conference during which all parties agreed to reconvene on July 16, 2008, at 9:00 a.m. to complete the Settlement Conference.

2. On July 15, 2008, both Plaintiff and Defendant agreed that Chief Magistrate Judge Baxter would have jurisdiction of this case.

3. On July 15, 2008, this Court held a Status Conference and ordered that a Settlement Conference would be conducted on August 19, 2008, at 9:00 a.m.

4. On Monday, August 11, 2008, the United States received a report from their expert, Dr. Erick Bothun. On August 12, 2008, the United States sent the report to officials of the Bureau of Prisons (BOP) for their review and consideration of an amount for settlement purposes.

5. A one (1) week continuance of the conference is requested to allow BOP officials to have sufficient time to review the expert report of Dr. Bothun and discuss settlement amounts.

6. Plaintiff takes no position with regard to this Motion but urges the Court to schedule a settlement conference as expeditiously as possible.

WHEREFORE, based on the above, the Defendant requests that the Settlement Conference currently set for August 19, 2008, at 9:00 a.m. be rescheduled to the week of August 25-29, 2008.

A proposed Order is attached.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Paul E. Skirtich
PAUL E. SKIRTICH
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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2008,
a true and correct copy of the within Defendant's Motion for
Continuance of Settlement Conference Scheduled for August 19,
2008, was electronically filed and/or served by first-class U.S.
mail, upon the following:

Bryan D. Fife, Esquire
2222 West Grandview Boulevard
Erie, PA 16506-4509

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant U.S. Attorney